

# Exhibit 1

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**From:** Peter Fountain <peterfountain@quinnemanuel.com>  
**Sent:** Monday, June 5, 2023 1:34 PM  
**To:** Laura Posner; Ray Sarola; Michael Eisenkraft  
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**Subject:** [EXTERNAL] RE: Northwest Biotherapeutics, Inc. v. Canaccord Genuity LLC, et al., No. 1:22-cv-10185 (S.D.N.Y.)

Laura,

In light of NWBO's belated replacement of Exhibit 1 to the Amended Complaint with a "corrected" Exhibit, Defendants now need to re-review the more than 200 pages of "trading records" contained in the Exhibit. As NWBO alleges that these so-called trading records purportedly "demonstrate that Defendants engaged in thousands of spoofing episodes," a 45-day extension is warranted to permit Defendants to complete their review and coordinate the motion to dismiss among the seven defendants. In addition to being insufficient, NWBO's proposed 20-day extension would result in Defendants' motion to dismiss being due on July 3.

In the interest of compromise, Defendants are willing to agree to a 30-day extension of the motion to dismiss deadlines. As Defendants' motion to dismiss is due a week from today, we would like to seek the Court's approval promptly—please let us know by the end of the day whether NWBO agrees to this proposal.

Regards,

**Peter Fountain**  
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**From:** Laura Posner <LPosner@cohenmilstein.com>  
**Sent:** Monday, June 5, 2023 9:23 AM  
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**Subject:** RE: Northwest Biotherapeutics, Inc. v. Canaccord Genuity LLC, et al., No. 1:22-cv-10185 (S.D.N.Y.)

[EXTERNAL EMAIL from [posner@cohenmilstein.com](mailto:posner@cohenmilstein.com)]

Peter,

We will consent to an extension, but your request for a 45 day is excessive and unwarranted. It has been more than 6 months since the original complaint was filed, and nearly 2 months since the amended complaint, which reflected fairly minor changes and additions from the original complaint, was filed. The corrected exhibit did not change a single word in the amended complaint, and should have a fairly minor impact on Defendants' motion(s) to dismiss. Defendants have thus had more than adequate time to review the complaint and coordinate their joint motion to dismiss. Indeed, as the Court noted in its most recent order, Defendants have made "no suggestion of any prejudice from the amendment." Nevertheless, we will consent to a 20 day extension for the filing of Defendants' motion to dismiss, with the relevant additional deadlines extended by 20 days as well. Please let us know whether that is acceptable.

Regard, Laura

**Laura Posner**

Partner

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**From:** Peter Fountain <[peterfountain@quinnemanuel.com](mailto:peterfountain@quinnemanuel.com)>

**Sent:** Friday, June 2, 2023 9:13 PM

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**Subject:** [EXTERNAL] RE: Northwest Biotherapeutics, Inc. v. Canaccord Genuity LLC, et al., No. 1:22-cv-10185 (S.D.N.Y.)

Counsel,

Following up on the below.

Regards,

**Peter Fountain**

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**From:** Peter Fountain

**Sent:** Thursday, June 1, 2023 10:24 PM

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Counsel,

In light of the Court's order, ECF No. 106, permitting NWBO to replace Exhibit 1 to its Amended Complaint and stating that the Court would extend the motion to dismiss deadline should Defendants request, Defendants propose the following revised briefing schedule, which extends Defendants' motion to dismiss deadline by 45 days:

- July 27, 2023: Defendants will submit a joint memorandum of law, not to exceed 40 pages.
- September 11, 2023: Plaintiff will submit an opposition brief of up to the total number of pages of the joint memorandum submitted by Defendants.
- October 12, 2023: Defendants will submit a joint reply memorandum of law, not to exceed 25 pages.

Defendants' proposed extension is reasonable, given the need to re-review more than 2,800 alleged "spoofing episodes" and coordinate the joint motion to dismiss among the seven Defendants.

Regards,

**Peter Fountain**

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